



## **ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT**

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### **~ MEMORANDUM ~**

**TO:** Planning Commission

**FROM:** Hiller West, Community Development Director

**DATE:** March 7, 2016

**SUBJECT:** Public Hearing: Proposed Housekeeping amendments to Titles 16 and 17 of Island County Code

#### **BACKGROUND**

At its February 22, 2016 regular meeting, the Planning Commission held a workshop discussion on proposed “housekeeping” amendments to the development regulations (Titles 16 and 17) of Island County Code. The amendments are needed to correct minor housekeeping items in Titles 16 and 17 of Island County Code, such as obsolete text, scrivener’s errors, minor inconsistencies, and conflicting subsections. Some of these amendments have been discussed for years; others have more recently become necessary because of changes in State law or to Island County Code.

The consensus following the workshop was to schedule a public hearing on the proposed amendments at the March 14, 2016 regular Planning Commission meeting. Following the hearing, the Planning Commission can direct staff to make modifications to the proposed amendments or keep the amendments as originally drafted, and prepare findings and conclusions for adoption by the Planning Commission at its next available meeting.

#### **PROPOSAL**

The proposed amendments are individually described below. A strikethrough/underline version of the amendments is attached as Exhibit “A”.

#### **ICC 16.06.120H Application requirements for final approval.**

This item is being added to maintain consistency with ICC 16.06.120C pertaining to covenants, conditions and restrictions, if applicable. This item requires “any and all covenants, conditions and restrictions intended to appear on face of the plat or short plat”.

### ICC 16.13.150 Transition

This section contains obsolete language in Chapter 16.13 ICC – the hearing examiner chapter. The entire code section is regarding a transition period between 1984 and the enactment of a new county-wide zoning that occurred in 1998. This section is now moot and should be stricken from the code as a housekeeping item.

### ICC 17.03.180S Site coverage and setbacks

There are two subsections with the same number 4. The sections need to be renumbered.

### ICC 16.06.090 Preliminary short subdivision approval.

State law (RCW 58.17.140) was amended to allow for a longer period of time for certain final plat approvals after the issuance of a preliminary plat approval. The Island County Code should reflect the statutory allowed time period, as it governs. Also, it is desirable to ensure consistency between the time periods for both final plat and short plat approvals. This section can be corrected to simply state that the time limitation for submitting a final short plat for approval shall be the same as the time limitation for submitting a final plat for approval as set forth in ICC 16.06.110F.

### ICC 16.06.110F Expiration of preliminary approval

This section would be revised to refer to the State law (RCW 58.17.140(3)) for the time period for submitting a final plat for approval. RCW 58.17.140(3) provides the following: (3)(a) *“Except as provided by (b) of this subsection, a final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town or county for approval within seven years of the date of preliminary plat approval if the date of the preliminary plat approval is on or before December 31, 2014, and within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015. (b) A final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within ten years of the date of preliminary plat approval if the project is not subject to requirements adopted under chapter 90.58RCW and the date of preliminary plat approval is on or before December 31, 2007.”*

### 16.06.170 Alterations, withdrawals and vacations.

This section would also be revised to refer to the applicable statute, RCW 58.17.215. Subsection (A) would read as follows: *“A. Alterations. Land divisions may be altered in accordance with the following requirements and must meet the requirements of RCW 58.17.215.”* Subsection (A)(3) would state: *“In addition to notice requirements in RCW 58.17.215 . . .”*

### ICC 16.13.100 Powers.

This section lists the powers of the Hearing Examiner, including the power to issue decisions regarding “commercial agriculture zoning verifications”. The process of “verification of CA Zone classification” was intended as temporary for a 180-day period following adoption of the new zoning code in 1998. As that period has expired, this type of decision can now be removed from the list. For the same reason, ICC 17.03.100(H) Verification of Commercial Agriculture CA Zone classification can be deleted, as shown in the draft amendments.

### ICC 17.03.180.V.5 Land Use Standards

This section allows for the temporary use approval in R and RR zones of a Mobile/Manufactured home used by an infirm person incapable of maintaining a residence on a separate property, or by one (1) or more individuals caring for the infirm person. It is proposed that this section be amended to clarify that the person providing the care could be either a family member or personal caregiver. The subsection would read as follows: *“(b).The mobile/manufactured home shall be occupied by a family member or designated caregiver of the occupants of the primary dwelling unit.”*

### ICC 17.03.120.C.3. Rural Center zone

This section would be revised to refer to Appendix A , which might include more restrictive provisions for building size depending on the area in question. The section would read as follows: *“C.3. Any building greater than 50,000 square feet of gross floor area, unless Appendix A requires a smaller building size.”*

## **RECOMMENDATION**

Staff recommends approval of the proposed amendments. A draft motion is shown below:

*“I move for approval of the proposed “housekeeping” amendments to Titles 16 and 17 of Island County Code, and direct staff to prepare findings and conclusions in support of the Planning Commission’s recommendation to the Board of Island County Commissioners.”*

If you have any questions, please let me know.